

11029. Misbranding of canned shrimp. U. S. v. 15 Cases of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16269. I. S. No. 18663-t. S. No. C-2917.)

On May 4, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases of shrimp at Chicago, Ill., alleging that the article had been shipped by the Brunswick Canning Co., Brunswick, Ga., March 17, 1922, and transported from the State of Georgia into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in substance in the libel for the reason that the cans containing the said article were labeled, marked, and branded as follows, "Barataria Shrimp Blue Point Brand Packed By The Brunswick Canning Co. Brunswick, Ga. Contents 9½ Oz. Net," which statements were false and misleading and deceived and misled the purchaser in that they represented that the said article was Barataria shrimp and that each of said cans contained 9½ ounces net of the article, whereas, in truth and in fact, the said cans did not contain shrimp from Barataria Bay and did contain less than 9½ ounces net of the said article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight and measure.

On June 27, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11030. Adulteration of oranges. U. S. v. 148 Boxes of Oranges. Decree providing for release of a portion of the product. (F. & D. No. 15757. I. S. No. 12820-t. S. No. W-1052.)

On March 9, 1922, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 148 boxes of oranges, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Ryan Fruit Co., from Highland, Calif., on or about February 13, 1922, and transported from the State of California into the State of Utah, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part or wholly of a decomposed vegetable substance.

On March 29, 1922, the Ryan Fruit Co., a corporation of the State of Washington, having entered an appearance as claimant for the property, and the goods having been previously sorted under the supervision of this department and 105½ boxes thereof having been found suitable for food, it was ordered by the court that the said 105½ boxes of the product be released to the said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11031. Adulteration and misbranding of claret vinegar. U. S. v. 53 Pint Bottles, et al., of Claret Vinegar. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15912, 15913, 15914. I. S. Nos. 15508-t, 15514-t, 15516-t. S. No. E-3728.)

On January 14, 1922, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 53 pint bottles, 69 pint bottles, and 1 barrel of claret vinegar, in various lots at Binghamton, Rome, and Herkimer, N. Y., respectively, alleging that the article had been shipped by the Vernon D. Price Co., in part from Scranton and in part from Pittsburgh, Pa., between the dates of October 20 and 29, 1921, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottles) "Gold Medal Brand Claret Wine Vinegar * * * 1 Pint;" (barrel) "Vernon D. Price Co. 50 Claret Vinegar Reduced * * * Grains."

Adulteration of the article was alleged in substance in the libels for the reason that excessive water and distilled vinegar, in the case of the product contained in the bottles, and excessive water, in the case of the product contained in the barrel, had been mixed and packed with and substituted in whole

or in part for the said article, and for the further reason that the article was mixed in a manner whereby its damage and inferiority were concealed.

Misbranding of the article was alleged in substance for the reason that the statement, to wit, "Claret Wine Vinegar," appearing on the said bottles, and the statement, to wit, "Claret Vinegar Reduced * * * Grains," appearing on the said barrel, were false and misleading, and for the further reason that it was so labeled for the purpose of deceiving and misleading purchasers into the belief that the said article was genuine claret wine vinegar, or claret vinegar, as the case might be. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On May 1, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11032. Misbranding of oranges. U. S. v. Mutual Orange Distributors, a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 15998. I. S. Nos. 5738-t, 5739-t.)

On April 28, 1922, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mutual Orange Distributors, a corporation, Redlands, Calif., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about May 13, 1921, from the State of California into the State of New York, of quantities of oranges which were misbranded. A portion of the article was labeled in part: "St. Michaels Net Count 324 Diam $2\frac{1}{4}$ In Mutual Sunflower Brand Redlands Mutual Orange Company Redlands, California Mutual Orange Distributors." The remainder of the article was labeled in part: "St. Michaels Net Count 324 Average Diameter $2\frac{1}{4}$ inches. Orange Blossom Brand Washington Navels Grown and Packed by Redlands Mutual Orange Co. Redlands San Bernardino Co. California."

Examination, by the Bureau of Chemistry of this department, of samples taken from both consignments of the article showed that the average diameter of the oranges in the said consignments was $1\frac{1}{8}$ inches and 2 inches, respectively, and that the boxes contained more than 324 of the small oranges.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Count 324 Average Diameter $2\frac{1}{4}$ inches" (or "Diam $2\frac{1}{4}$ In"), borne on the boxes containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said boxes contained 324 oranges and that the average diameter of said oranges was $2\frac{1}{4}$ inches, and for the further reason that it was labeled as afore-said so as to deceive and mislead the purchaser into the belief that each of said boxes contained 324 oranges and that the average diameter of said oranges was $2\frac{1}{4}$ inches, whereas, in truth and in fact, each of said boxes did not contain 324 oranges and said oranges did not average $2\frac{1}{4}$ inches in diameter. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 26, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11033. Adulteration and misbranding of olive oil. U. S. v. Vincent Carrara. Plea of guilty. Fine, \$50. (F. & D. No. 16213. I. S. No. 6266-t.)

On May 26, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Vincent Carrara, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 30, 1921, from the State of New York into the State of New Jersey, of a quantity of olive oil which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly, if not entirely, of cottonseed oil. Examination by said bureau showed that the average volume of 51 cans was 0.8 gallon and that the cans varied in volume from 0.73 to 0.93 gallon.